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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,516	07/20/2001	Timothy Glass	82543	2105

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Richard J. Gurak  
Welsh & Katz, Ltd.  
22nd Floor  
120 South Riverside Plaza  
Chicago, IL 60606

EXAMINER

HARRIS, ERICA B

ART UNIT PAPER NUMBER

3634

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/910,516

Applicant(s)

GLASS, TIMOTHY

Examiner

Erica B Harris

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ong (6,508,021 B2) in view of Guignard *et al.* (2,738,075). In Figures 1, 3, and 4, Ong discloses a tower for the storage, display, and open accessibility of articles 22. The tower comprises a rigid cell structure 10 having a top 24,124, a bottom 20,120 and a plurality of horizontal and vertical members 14,16,18,20,24,114,116,118,120,124 positioned to form a plurality of cells 11; and a base 42. Each cell is sized to receive, hold, and display at least one compact disc 22, and defines at least one aperture having dimensions such that the at least one article can be placed into the cell through the aperture and removed therethrough. The tower further comprises a connector assembly, lazy suzan 44, mounted to the base 42 and rotatably connected to the cell structure 10. Each cell 11 has a front opening, a rear opening, and a side opening whereby the at least one article can be inserted through said side opening and wherein the front opening can display substantially the entire front surface of the compact disc stored in the cell and the rear opening can display substantially the entire rear surface of an article stored therein.

Guignard, in Figures 1-3, discloses a tower for the storage and display of articles 29, said tower comprising a cell structure 25 having a top 17, a bottom 18, and a plurality of horizontal

and vertical members positioned between the top and bottom to form a plurality of cells 28; a base 5; a shaft 13 fixed to the base and rotatably connected to the cell structure 25 to enable the cell structure to rotate with respect to the base; a connector assembly 6 mounted to and positioned between the base and the cell structure bottom; and a knob 15. Each cell of the structure is sized to receive, hold, and display at least one article. Guignard further discloses that each cell has a front opening, a rear opening, and a side opening, in this case it is a top side opening, whereby at least one article can be inserted into a cell through the side opening in Figure 1. Each of the front and rear openings is of a size that substantially the entire front or rear surface of an article stored in the cell can be displayed. The knob 15 is connected to the top 17 whereby turning the knob rotates the <sup>cell</sup> ~~ell~~ structure 25. The shaft further has a threaded end 14 located proximate the base 5 and the connecting assembly 6 is attached to the threaded end to maintain the shaft fixed to the base. To one of ordinary skill in the art at the time the invention was made, it would have been obvious construct the device of Ong to include a knob, as taught by Guignard *et al.*, in order to enable the cell structure to rotate relative to said base in a stable and supported manner.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica B Harris whose telephone number is 703-306-9071. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



Erica B. Harris  
December 29, 2003

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600